

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
Plaintiff)	
)	
And)	
)	
STATE OF PENNSYLVANIA)	CIVIL ACTION NO. 05-02866
CITY OF PHILADELPHIA)	
STATE OF OKLAHOMA)	
STATE OF OHIO)	
Plaintiff/Intervenors,)	
)	
v.)	
)	
SUNOCO, INC.)	
Defendant)	
_____)	

MOTION TO ENTER FOURTH AMENDMENT TO CONSENT DECREE

Plaintiff, the United States of America, on behalf of the United States Environmental Protection Agency (EPA), respectfully requests this Court to enter the Fourth Amendment to the Consent Decree between Plaintiffs and Defendant. The Court entered the Consent Decree in this case on March 21, 2006. The Court entered the First Amendment to the Consent Decree on June 3, 2009. The Second and Third Amendment to the 2006 Consent Decree were approved and entered by the Court on August 31, 2011.

The proposed Fourth amendment was lodged with the Court on August 17, 2012, and on August 24, 2012, the United States published a notice of the lodging of the proposed amendment in the Federal Register soliciting comment from the public. *77 Fed. Reg.* 51,576 (August 24, 2012). The United States received one adverse comment during the 30-day public comment

period. The United States believes that the comment does not show that the amendment is inappropriate, improper, or inadequate. All parties to the Fourth Amendment to Consent Decree have agreed to it and consent to its entry without further notice. Thus the United States moves the Court to enter the Fourth Amendment to Consent Decree as a final judgment by signing the document at page 14 and entering it as a final judgment.

Respectfully submitted,

IGNACIA S. MORENO
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

Date: February 22, 2013

//s// Michael J. McNulty
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